

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRENDA DAVIES, Personal)
Representative of the Estate of Duane E.)
Davies, Deceased,)

Plaintiff,)

4:08CV3203

V.)

BNSF RAILWAY COMPANY, a)
Delaware Corporation, and BOX)
BUTTE COUNTY, NEBRASKA, (for)
purposes of apportionment only),)

Defendants.)

MEMORANDUM
AND ORDER

All of our magistrate judges are disqualified from handling cases involving the Burlington Northern Santa Fe Railway (BNSF). Because of that, I will be required to handle all pretrial matters associated with this case. In thinking over how I want to handle pretrial matters associated with BNSF cases, it occurs to me that we may be able to streamline some things. Therefore,

IT IS ORDERED that:

1. My judicial assistant shall arrange a telephone conference with counsel in this case about 20 days from now.

2. Before the telephone conference, counsel shall confer and try to reach agreement on Rule 26 disclosures, discovery and the guts of a final progression order. During the telephone conference, counsel shall be prepared to discuss with me the following:

- * Informal compliance with Rule 26 disclosures without a formal report.
- * No initial progression order and no initial planning conference beyond the above mentioned telephone conference.

- * No required mediation plan.

- * Early issuance of a “Final Progression Order” to include: (a) deadline for motions to dismiss and for summary judgment; (b) deadlines for motions to compel discovery; (c) deadlines for depositions; (d) deadlines for disclosure of expert witnesses; (e) deadlines for pretrial disclosures; (f) deadlines for motions in limine; (g) date for final pretrial conference; and (h) setting of trial week and estimate of trial time.

December 4, 2008.

BY THE COURT:

S/Richard G. Kopf
United States District Judge